

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of American Canyon for
Approval to Construct a Public At-Grade
Crossing of the California Northern Railroad
Track, at South Napa Junction Road, Located in
Napa County, State of California.

Application 05-05-014
(Filed May 6, 2005)

SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER

The undersigned Commissioner hereby rules upon the matters required by Rules 6 and 6.3 of the Commission's Rules of Practice and Procedure (Rules).

1. Category. This proceeding is categorized as ratesetting.
2. Hearing. A hearing is necessary in this proceeding.
3. Principal Hearing Officer. The principal hearing officer shall be Administrative Law Judge Victor D. Ryerson.
4. Prehearing Conference. A prehearing conference was held in this proceeding on July 28, 2005, in San Francisco. I did not attend.
5. Issue. Whether the Commission should authorize the replacement of an existing private crossing with a public road at grade across the track of the California Northern Railroad at South Napa Junction Road in Napa County, pursuant to Public Utilities Code Section 1201 et seq.
6. Procedural Schedule.
 - a. The cutoff date for completing discovery is September 6, 2005.
 - b. The first round of prepared testimony shall be served no later than October 7, 2005.

- c. The second round of prepared testimony shall be served no later than November 7, 2005.
- d. The third round of prepared testimony, if any, shall be served no later than November 21, 2005.
- e. The evidentiary hearing will be conducted from December 5 through 7, 2005, at 10:00 a.m. in the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California.
- f. The proceeding will be submitted no later than March 1, 2006.
- g. The Commission's decision will be issued no later than November 4, 2006.

7. Case Management Statements. In addition to the foregoing procedural schedule, the parties are directed to meet and confer, and to file respective case management statements (or a joint case management statement) pursuant to Rule 49©, no later than September 16, 2005. The parties shall indicate, either individually or jointly, whether they are willing to refer this matter to be mediated under the Commission's Alternative Dispute Resolution Program.

IT IS SO RULED.

Dated August 25, 2005, at San Francisco, California.

/s/ DIAN M. GRUENEICH

Dian M. Grueneich
Assigned Commissioner

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties for whom an electronic mail address has been provided, this day served a true copy of the original attached Scoping Memo and Ruling of Assigned Commissioner on all parties of record in this proceeding or their attorneys of record.

Dated August 25, 2005, at San Francisco, California.

/s/ KRIS KELLER

Kris Keller

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.